

**UNITED STATES DISTRICT COURT**

for

**NORTHERN DISTRICT OF CALIFORNIA**

Venue

**Filed**

AUG 13 2008

**RICHARD W. WIEKING**  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

**Petition for Summons for Offender Under Supervision**

Name of Offender: Gary Gerardo Arreguin Docket No.: CR 08-00287-01-JF

Name of Sentencing Judge: Mary H. Murguia  
United States District Judge

Date of Original Sentence: August 11, 1997

Original Offense: Count One: Possession with Intent to Distribute a Controlled Substance within 1,000 feet of a school, and Aiding and Abetting 21 U.S.C. § 860 and 841(a)(1) and (b)(1)(c) and 18 U.S.C. § 2, a Class B felony;  
Count Two: 18 U.S.C. § 111(a) and (b) and 18 U.S.C. § 2, a Class C felony

Original Sentence: Custody for 60 months, six years supervised release.

Special Conditions: Drug testing and treatment; search; access to financial information; maintain full-time employment; abstain from alcohol.

Jurisdiction was transferred from the District of Arizona to the Northern District of California effective April 21, 2008.

Type of Supervision: Supervised Release Date Supervision Commenced: February 20, 2008  
Assistant U.S. Attorney: Kathleen M. Tafoya Defense Counsel: Barry F. Hammond (Retained)

**Petitioning the Court**

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge Patricia Trumbull for identification of counsel and setting of further proceedings on August 21, 2008, at 9:30 AM.

I, Juan F Ramirez, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing

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official agency functions).

<u>Charge Number</u>	<u>Violation</u>
One	There is probable cause to believe that the offender violated special condition number one that states the defendant shall participate as instructed by the probation officer in a program of substance abuse treatment which may include testing for substance abuse.

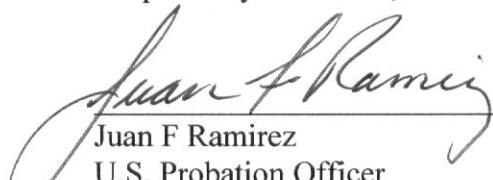
On July 17, 2008, a faxed notice was received from Valley Health Associates stating that the offender failed to report for drug testing on July 16, 2008.

On July 18, 2008, telephone contact was made with the offender instructing him to submit a urine sample on this date. The offender complied with the instructions. The urinalysis sample was confirmed positive by Kroll Laboratory Specialists, Inc. for Benzoylecgonine (cocaine metabolite) on July 22, 2008, Specimen ID number C00784962.

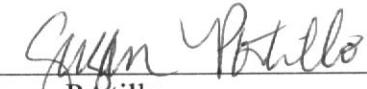
Evidence of this violation can be obtained from the Valley Health Associates faxed notice dated July 17, 2008, case notes dated July 18, 2008, and Kroll Laboratory Specialists, Inc. Specimen ID number C00784962.

Based on the foregoing, there is probable cause to believe that Gary Gerardo Arreguin violated the conditions of his supervision.

Respectfully submitted,

  
Juan F Ramirez  
U.S. Probation Officer  
Date Signed: August 8, 2008

Approved as to form:

  
Susan Portillo  
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge Patricia Trumbull for identification of counsel and setting of revocation proceedings on August 21, 2008 at 9:30 AM.

Other:

Date

8/13/08

  
Jeremy Fogel  
United States District Judge